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SUBJECT: TERRORISM INVESTIGATING JUDGE COMMENTS ON CORSICAN
SEPARATISTS, SEES INCREASE IN "REVOLUTIONARY,"
ANTI-CAPITALIST SYMPATHIES

Classified By: POLITICAL MINISTER-COUNSELOR JOSIAH ROSENBLATT, FOR REAS
ONS 1.4 B/D

11. (C) Summary: The French government has the upper hand in its decades-long battle against Corsican separatists, said terrorism investigating judge Gilbert Thiel, but it is still too early to speak of an end to separatist-linked violence. Regarding the other facets of his portfolio, Breton separatists and "revolutionary" terrorist groups, Thiel said he was noticing a resurgence in anti-capitalist, anti-establishment slogans last heard in the 1970s, during the days of Action Directe and the Red Brigades, a rise he considered troubling. End summary.

THE "GALERIE SANTI-ELOI"

12. (C) On March 7, poloff met with Judge Gilbert Thiel, a well-known terrorist investigating judge with responsibility for tracking and prosecuting Corsican and Breton separatists and "revolutionary" groups, a catch-all phrase for militant groups with anti-capitalist and anti-establishment sympathies. As an author of two books on the French justice system ("Don't Wake the Sleeping Judge" and the just-published "Masterful Insomnias") and commentator on terrorism issues, Thiel, along with Judges Jean-Louis Bruguiere and Jean-Francois Ricard who focus on Islamic terrorism, are the public faces of the French state's fight against terrorism. (Comment: Many French distinguish between the government, which represents the political party in power and "l'etat," or "the state," made up of career government employees that embody the ethos of nonpartisan continuity; for example, the terrorism investigating judges. End comment) Thiel, Bruguiere and Ricard belong to an elite group of six investigating judges known collectively as the "Galerie Saint-Eloi," which refers to the wing in the 12th-century Palais de Justice that houses their offices. In France's legal system, investigating judges wield substantial powers of investigation. Moreover, legal and police procedures for terrorism-related matters are considerably looser than those in other criminal cases, which affords the terrorism investigating judges arguably the freest rein to conduct their inquiries. In keeping with their status and with the sensitivity of their dossiers, all the terrorism investigating judges are assigned permanent security details by the Ministry of Interior.

13. (C) Asked if any additional legal reforms were envisaged following the 2004 entry into force of the Perben II law (an omnibus legal reform bill that included the restricted institution of plea bargaining and the implementation of the European Arrest Warrant), Thiel replied, "I hope not." He explained that the French legal system had experienced a wave of reforms from the 1990s through 2004 (which alternately strengthened the rights of the accused and victims) that it was still trying to digest. Nevertheless, said Thiel, the job of the terrorism investigating judges had not changed significantly, primarily because terrorism investigations are in a category to themselves, and are granted significant leeway. The reforms of Perben II, said Thiel, primarily increase the panoply of tools used by police and judicial officials in other criminal investigations. Still, added Thiel, Perben II helps the terrorism judges because police and intelligence services now have an expanded legal jurisdiction to conduct electronic surveillance. Prior to Perben II, said Thiel, some individuals in the security services conducted electronic surveillance they knew was illegal but necessary to their investigation, actions that Thiel said were no longer necessary.

TARGETING THE "FOLKLORE" OF CORSICAN SEPARATISM

14. (C) In 2004, the Ministry of Interior reported that 154 people were arrested in connection with the steady number of low-level explosions that have occurred on the island of Corsica since the 1950s. In general, the explosions target symbols of French government authority, but they do not harm or kill anyone. One notable exception was the assassination in 1999 of Claude Erignac, the prefect of Corsica and as such, the highest-ranking French official on the island. Thiel said Corsican separatists were increasingly fragmented and transitioning into familial-based clans in which separatist goals were not necessarily the first priority. Clan vendettas and the anti-immigrant targeting of North Africans were vying with traditional separatist aims for

prominence, said Thiel. Although he believed that violent Corsican separatism would continue for the foreseeable future, he noticed a diminution in the effectiveness and quality of the attacks. This was due, said Thiel, to a change in French government policy in the early 1990s. Previously, governments would arrest separatists and then, in the hopes of arriving at a political solution, would grant general amnesties to all separatists in prison every few years. The imprisoned militants would return with great acclaim to Corsica, where they would then recommence their separatist activities, said Thiel. The government changed this policy in the 1990s, and began to treat separatists not as freedom fighters but as criminals and terrorists. When the penalties became 8, 10, 15 years or even life in prison, Corsican militants became less willing to conduct separatist attacks, said Thiel. The judge also said it helped that those with the most technical mastery of explosives were the ones given the lengthiest prison sentences. By treating Corsican separatism as a criminal justice issue, Thiel said, the French government minimized the "folklore" of Corsican separatism. This, combined with long prison sentences, has made the Corsican separatist problem more manageable, according to Thiel.

A RESURGENCE OF EUROPEAN ANTI-CAPITALIST REVOLUTIONARIES?

15. (C) Thiel led the judicial investigation into the explosion in 2000 at a McDonald's in Brittany which resulted in one death. He said Breton separatism is at a very low level and the militants are "amateurs." More worrying, according to Thiel, is the reappearance of anti-capitalist militants. Some, such as the group that bombed the McDonald's, combine anticapitalist ideology with separatist goals. The goal of these anti-capitalist, anti-establishment militants, said Thiel, was to reapply and reinvigorate the 1960s mantra of similar groups such as Action Directe and the Red Brigades: action (by the government) - provocation (by the terrorist groups) - repression (by the government, which would theoretically lead to a revolution). In the last few years, said Thiel, he had noticed an increase in propaganda and fund-raising by these new groups, especially derivatives of the Italian Red Brigades that lived in the Italian/French border region, Spanish anticapitalists who lived in the French Basque region and a few Breton separatists/anticapitalists who lived in Brittany. Thiel said cooperation with the Italian and Spanish governments against these groups was good, although he said it was more difficult with the Italians because of their decentralized justice system that made it harder to coordinate effectively with all of Italy's regions. Although the use of 1960s and 1970s "revolutionary" terrorism was something the French security and judicial services were keeping track of, Thiel said the movements still appeared atomized and was made up of militants with little explosives and arms training, a situation that Thiel said France was working to continue. Leach